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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,738	05/24/2002	Philip O. Gerard		6924

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EXAMINER

STRIMBU, GREGORY J

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 05/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/042,738

Applicant(s)

GERARD, PHILIP O.

Examiner

Gregory J. Strimbu

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-7 and 9-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-7 and 9-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

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It should be noted that in order to further expedite the prosecution of this application, the examiner has assumed that claim 3 depends from claim 1 even though the applicant has failed to provide a clean copy of the changes to claim 3 in accordance with 37 CFR 1.121. The following Office action is not to be construed as a waiver of the applicant's responsibilities under 37 CFR 1.121 which still apply. Therefore, the applicant is still required to submit a clean copy of the changes to claim 3 as set forth in the previous Office action.

### ***Specification***

The abstract of the disclosure is objected to because "without fasteners" is confusing since the barbs, etc. of the invention are fasteners. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 112***

Claims 14, 18 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitation such as "keepers" on line 1 of claim 14 render the claims indefinite because they lack antecedent basis. Recitations such as "monolithically formed . . . respectively" on lines 8-9 of claim 18 render the claims indefinite because it is unclear whether or not the applicant is invoking 35 USC 112 paragraph 6. The recitation "first connector means . . . the ship orientation" on lines 6-7 of claim 18 implies that the applicant is invoking 35 USC 116 paragraph 6, however, the recitation "monolithically formed . . . respectively" on lines 8-9 of claim 18 implies that the applicant is not invoking 35 USC 112 paragraph 6 since the applicant is setting forth the structure of the means.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-7, 9-12, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Hopper. Hopper discloses a window frame comprising a first frame half 10a, a second frame half 10b having a ship orientation (not shown, but comprising the condition where only one of the barbs of the first means 35 engages only one of the barbs of the connector 80) and an install orientation (shown in figure 10) with respect to the first frame half, the second frame half being moved between the ship and install orientations by rotating the whole assembly which includes rotating the second frame half within its own plane and then moving the first and second halves toward one another until the position in figure 10 is reached, first connector means comprising the first barb of the connectors 35, 38 for releasably interconnecting the first and second

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frame halves when the second frame half is in the ship orientation, the first connector means being integral with the first and second frame halves, and second connector means comprising the second barb of the connectors 35, 38 for securely interconnecting the first and second frame halves only when the second frame half is in the install orientation the second connector means also be integral with the first and second frame halves.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hopper in view of Suh. Suh discloses a window frame comprising a first frame half 130 including a plurality of barbs 166 monolithically formed with the first frame half, and a second frame half 140 including a plurality of receives 164 monolithically formed with the second frame half.

It would have been obvious to one of ordinary skill in the art to provide Hopper with a barbs, as taught by Suh, to provide a more secure attachment of the first and second frame halves.

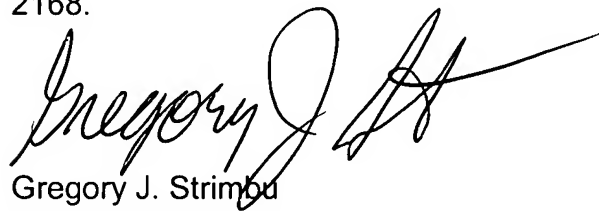
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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Governale and Fedlick et al. are cited for disclosing a window frame having a ship orientation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a long horizontal flourish extending to the right.

Gregory J. Strimbu  
Primary Examiner  
Art Unit 3634  
May 2, 2003